



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

SEP 16 2015

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

**Certified Mail - Return Receipt Requested**

Ms. Judy Turner  
Coordinator  
Environmental, Health and Safety  
Selmet Incorporated  
P.O. Box 689  
Albany, Oregon 97321

Re: **Notice of Violation**  
Selmet Incorporated  
EPA ID Number ORD 009421579

Dear Ms. Turner:

This Notice of Violation (NOV) is to inform Selmet Incorporated ("Selmet") of violations of the Resource Conservation and Recovery Act, as amended ("RCRA"). These violations were identified as a result of the inspection performed by the U.S. Environmental Protection Agency ("EPA") and the Oregon Department of Environmental Quality on June 27, 2013 at Selmet's facility in Albany, Oregon. The inspection was performed pursuant to EPA inspection authority under Section 3007 of RCRA, 42 U.S.C. § 6927. From the observations made during the inspections, the following RCRA violation were identified at the facility. Unless otherwise noted, Code of Federal Regulations (C.F.R.) citations below are incorporated by reference at OAR 340-100-0002.

**Violation 1 – Satellite Container Management**

RCRA Section 3005(a) [ORS 466.100] requires, among other things, that the owner and operator of a hazardous waste management unit must have a permit or interim status for the treatment, storage, or disposal of any hazardous waste during the active life of the unit. 40 C.F.R. § 262.34(c), provides that certain generators may accumulate hazardous waste at a facility without a permit or interim status, provided that, among other things, the wastes be accumulated at or near the point of generation and under the control of the operator of the process generating the waste, that any container is marked with the words "Hazardous Waste" or with other words that identify the contents of the container, and that a container holding hazardous waste must always be closed during storage except when it is necessary to add or remove waste.

At the time of the 2013 inspection, it was observed:

- a. Spent "Stoner No Wash Wax Pattern Release" aerosol cans were being accumulated in a white cardboard box in the wax molding area. The aerosol cans were not punctured, therefore were hazardous wastes. The cardboard box container was not closed, and waste was not being added or removed.

- b. In a small shed outside of the northeast corner of the main building, towards the northeast corner of the Recycle Area, approximately 20 unpunctured aerosol cans were in an open plastic bin. The aerosol cans were not punctured, therefore were hazardous wastes. The wastes were not being accumulated at or near the point of generation under the control of the operator of the process generating the waste, the container was not marked with the words "Hazardous Waste" or with other words that identified the contents of the container, and the container holding this hazardous waste was not closed, and waste was being neither added nor removed.

Selmet, the owner and operator of a hazardous waste management unit, violated RCRA Section 3005(a) [ORS 466.100] by storing hazardous waste without a permit or interim status.

### Violation 2 –Universal Waste Accumulation Time

40 C.F.R. 273.15(c) requires that certain small quantity handlers of universal waste who accumulate universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste.

At the time of the 2013 inspection, in a small shed outside of the northeast corner of the main building, towards the northeast corner of the Recycle Area, inspectors observed;

- a. A cylindrical container, apparently the lid to another container, face-up and containing several universal waste lamps. This container was not labeled with the earliest date that any universal waste in the container became a waste or waste received, nor was any other information available at the time of the inspection which would establish the length of time that the universal waste had been accumulated.
- b. A cylindrical container containing approximately 43 universal waste lamps. This container was not labeled with the earliest date that any universal waste in the container became a waste or waste received, nor was any other information available at the time of the inspection which would establish the length of time that the universal waste had been accumulated.
- c. An approximately four-foot fluorescent light fixture with four waste universal waste lamps. This was not labeled with the earliest date that any universal waste became a waste, nor was any other information available at the time of the inspection which would establish the length of time that the universal waste had been accumulated.
- d. A single compact fluorescent bulb, a universal waste lamp, was observed on top of a black 55-gallon drum. This was not labeled with the earliest date that the universal waste became a waste, nor was any other information available at the time of the inspection which would establish the length of time this universal waste had been accumulated.
- e. A cardboard box with at least four universal waste lamps. This was not labeled with the earliest date that any universal waste became a waste, nor was any other information available at the time of the inspection which would establish the length of time that the universal waste had been accumulated.

Selmet violated 40 C.F.R. § 273.15(c) by failing to demonstrate the length of time that the universal wastes listed above had been accumulated from the date they became a waste.

### Violation 3 –Universal Waste Containerization

40 C.F.R. 273.13(d)(1) requires that a small quantity handler of universal waste lamps must manage all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Additionally, such containers and packages must remain closed.

At the time of the 2013 inspection, in a small shed outside of the northeast corner of the main building, towards the northeast corner of the Recycle Area, inspectors observed:

- a. A cylindrical cardboard container with at least fifty universal waste lamps, two of which were broken. This container was open.
- b. A cylindrical container, apparently the lid to another container, face-up and containing several universal waste lamps. This container was open.
- c. An approximately four-foot fluorescent light fixture with four waste universal waste lamps. The lamps were not in a container or package that was structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.
- d. A single compact fluorescent bulb was observed on top of a black 55-gallon drum. This universal waste lamp was not in a container.
- e. A cardboard box with at least four universal waste lamps. The box was neither structurally sound nor adequate to prevent breakage. Additionally, this container was open.

Selmet violated 40 C.F.R. § 273.15(d)(1) by failing to manage these universal waste lamps in containers or packages that were structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Further, Selmet failed to keep these containers closed.

#### Violation 4 –Universal Waste Accumulation Time

40 C.F.R. 273.15(a) requires that certain small quantity handlers of universal waste who accumulate universal waste may accumulate universal waste for no longer than one year.

At the time of the 2013 inspection, in a small shed outside of the northeast corner of the main building, towards the northeast corner of the Recycle Area, inspectors observed a cylindrical cardboard container with at least fifty universal waste lamps, two of which were broken. The container was labeled with an accumulation start date of “06.15.11”, approximately two years prior to the date of the inspection.

Selmet violated 40 C.F.R. § 273.15(a) by accumulating these universal wastes for greater than one year.

#### Violation 5 –Universal Waste Lamp Labeling/markings

40 C.F.R. 273.14(e) requires that each container in which lamps are contained must be labeled or marked clearly with one of the following phrases: “Universal Waste – Lamp(s)” or “Waste Lamps” or “Used Lamps”.

At the time of the 2013 inspection, in a small shed outside of the northeast corner of the main building, towards the northeast corner of the Recycle Area, inspectors observed;

- a. A cylindrical container, apparently the lid to another container, face-up and containing several universal waste lamps. This container was not labeled or clearly marked with “Universal Waste – Lamp(s)” or “Waste Lamps” or “Used Lamps”.
- b. A cylindrical container containing approximately 43 universal waste lamps. This container was not labeled or clearly marked with “Universal Waste – Lamp(s)” or “Waste Lamps” or “Used Lamps”.

Selmet violated 40 C.F.R. § 273.14(e) by not labeling or marking these containers with one of the following phrases: “Universal Waste – Lamp(s)” or “Waste Lamps” or “Used Lamps”.

Violation 6 – Used Oil Container Labeling/Marking

40 C.F.R. 279.22(c) requires that containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

At the time of the 2007 inspection, a 55-gallon drum containing used oil, labeled as "X-Ray Cooler Oil – Flammability 4" with an inverted funnel over the bung. The drum was not labeled or marked clearly with the words "Used Oil".

Selmet violated 40 C.F.R. § 279.22(c) by failing to properly label or mark clearly this container used to store used oil.

**Required Action**

The above violations may subject Selmet to enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928, including an action to assess civil penalties. Within fifteen (15) days of receipt of this NOV, EPA requests that Selmet submit a written response that identifies all actions the Facility has taken or will take to correct the violations described above and the time frame for completing such action. EPA also requests that Selmet include a written response concerning the Areas of Concern listed above.

Please send all material submitted in response to this NOV to:

Kevin Schanilec  
Air-RCRA Compliance Unit, OCE-127  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101


**EPA Reservation of Rights**

Notwithstanding this NOV or Selmet's response, EPA reserves the right to take any action pursuant to RCRA, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, or any other applicable legal authority including, without limitation, the right to seek injunctive relief, implementation of response actions or corrective measures, cost recovery, monetary penalties, and punitive damages. Selmet's response to this NOV does not constitute compliance with RCRA.

Nothing in this NOV or Selmet's response shall affect Selmet's duties, obligations, or responsibilities with respect to the Facility under local, state, or federal law or regulation.

Thank you for your attention to this important matter. If you have any questions relating to this NOV, you may consult with EPA. Questions should be directed to Kevin Schanilec, Senior Enforcement Engineer, of my staff at 206-553-1061.

Sincerely,



Edward J. Kowalski  
Director

cc: Brian Fuller  
Oregon Department of Environmental Quality